

S/N: 09/682,785

Response to final Office Action of October 16, 2003

Atty Dkt No. 201-0303 JMS (FMC 1352 PUS)

Remarks

Reconsideration and reexamination of this patent application are requested. Claims 1, 3-5, 7-9, 11-14, and 16-17 are pending in this patent application. Of the pending claims, claims 1, 5, 9, and 14 are independent claims.

Claim Rejections – 35 U.S.C. § 103

In the final Office Action mailed on October 16, 2003, the Examiner rejected claims 1, 3-5, 7-9, 11-14, and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,633,484 issued to Zanchi et al. ("Zanchi") in view of U.S. Patent No. 6,198,996 issued to Berstis et al. ("Berstis"). The Applicant respectfully traverses the rejection to the claims under 35 U.S.C. § 103(a) and believes that the claimed invention is patentable over any combination of Zanchi and Berstis.

1. The Claimed Invention

Independent claims 1, 5, 9, and 14 recite the idea that information regarding usage of a vehicle device by a human operator is received by a portable information storage device and then this information is accessed from the portable information storage device to set an operating parameter of a non-vehicle device corresponding to the vehicle device. Independent claims 1, 5, 8, and 14 further recite the idea that an off-board non-vehicle control system sets the operating parameter for the non-vehicle device based on the following information stored in the portable information storage device: (1) information obtained from an operator which is representative of the operator's preference for the operating parameter of the vehicle device; and (2) information representative of usage of the vehicle device by the operator.

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2. Zancho

The Examiner posited that Zancho teaches the claimed invention with the exception of storing information regarding the usage of a vehicle device and setting an operating parameter value for the corresponding non-vehicle device as a function of the vehicle usage. The Examiner posited that Zancho teaches user preferences including broadcast station preferences. The Examiner posited that Zancho teaches the capability of "updating the usage data" (citing col. 3, lines 65-67; and col. 4, lines 1-4 of Zancho).

The Applicant believes that the relevant teachings of Zancho are as follows. Zancho discloses a portable memory card 105 (i.e., donor device) in which user preferences are stored therein. Donor device 105 can be inserted into different application devices such as cellular telephone 101 and vehicle dashboard 141 in order to control these application devices in accordance with the user preferences. That is, upon an application device receiving the donor device, the application device functions in accordance with the user preferences contained on the donor device. The application devices may store the user preferences obtained from the donor device for later use without requiring the donor device to be inserted into the application devices.

The application devices are operable to communicate with one another. In this case, a first application device having the donor device may transmit the user preferences stored in the donor device to a second application device. However, the second application device may already have an older set of user preference data. In this case, the older set of preference data in the second application device may be overwritten with the user preferences stored in the donor device that is inserted into the first application device. (See col. 3, line 6 through col. 4, line 4 of Zancho.)

Accordingly, Zancho does not teach or suggest the claimed recitation of information regarding usage of a vehicle device by a human operator is received by a portable information storage device and then this information is accessed from the portable information

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storage device to set an operating parameter of a non-vehicle device corresponding to the vehicle device. That is, Zanchó does not teach or suggest updating the donor device with information regarding the usage of an application device.

3. Berstis

The Examiner posited that Berstis teaches storing and updating information representing the usage of a vehicle device (citing col. 10, lines 43-60 of Berstis). The Examiner posited that it would have been obvious to include the capability to update the usage data of the vehicle device of Berstis when the portable information storage device of Zanchó is in a vehicle in order to adjust the corresponding non-vehicle device with the newly changed usage data.

The Applicant believes that the relevant teachings of Berstis are as follows. Berstis teaches a vehicle on-board computer 20 having a memory 22. A vehicle operator can store user preferences for a vehicle device onto on-board memory 22. In turn, on-board computer 22 controls the vehicle device in accordance with the user preferences stored in on-board memory 22. (See col. 4, line 62 through col. 5, line 13 of Berstis.) A systems monitoring system 290 monitors the operator's operation of the vehicle device and updates the user preferences stored in on-board memory 22 in accordance with the operation of the vehicle device. (See col. 10, lines 56-65 of Berstis.)

Berstis further teaches a portable smart card 1015 which may contain user preferences. The operator can insert smart card 1015 into on-board computer 20. In turn, on-board computer 20 controls the vehicle device in accordance with the user preferences stored in smart card 1015. Significantly, Berstis does not teach or suggest that the systems monitoring system 290 provides information regarding the operator's operation of the vehicle device to smart card 1015 as is done with on-board memory 22.

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Accordingly, Berstis does not teach or suggest the claimed recitation of information regarding usage of a vehicle device by a human operator is received by a portable information storage device and then this information is accessed from the portable information storage device to set an operating parameter of a non-vehicle device corresponding to the vehicle device. That is, Berstis does not teach or suggest updating the smart card 1015 with information regarding the vehicle device obtained by the systems monitoring system 290.

4. The Claimed Invention Compared to Zanchi and Berstis

The claimed invention generally differs from any combination of Zanchi and Berstis in that in the claimed invention the portable information storage device receives information regarding usage of a vehicle device. The portable information storage device may then be accessed by a non-vehicle control system to set the corresponding non-vehicle device based on the information regarding the usage of the vehicle device.

In contrast to the claimed invention, Berstis teaches that a systems monitoring system 290 monitors use of a vehicle device and the usage information can be used "to update the user preferences in the onboard system memory 22" of the on-board vehicle computer 20. Berstis does not teach or suggest to update, in a portable information storage device such as SmartCard 1015 located at user interface 28, the user preferences based on usage of the vehicle device. More particularly, Berstis does not teach or suggest to store information regarding usage of the vehicle device on such a portable information storage device. (See FIGS. 2-10; and col. 10, lines 43-60 of Berstis). In the claimed invention, information regarding the usage of the vehicle device is stored in the portable information storage device such that the portable information storage device can be transferred to a non-vehicle control system to control a corresponding non-vehicle device accordingly.

Zanchi teaches updating stored user preferences, but does not teach or suggest storing or updating information representative of usage of an item such as a vehicle device in which such information is received from an item such as a vehicle interface. That is,

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information regarding the usage of the vehicle device, i.e., the "usage data" as set forth by the Examiner, is not the same as "user preferences". This is evident from the Examiner's position that Zanchi does not teach storing information regarding the usage of a vehicle device. (See col. 3, line 41 through col. 4, line 4 of Zanchi.)

Accordingly, the claimed invention is patentable over any combination of Zanchi and Berstis as such combination does not teach or suggest a portable information storage device for receiving information regarding usage of a vehicle device from a vehicle control system and for being accessed by a non-vehicle control system to control a corresponding non-vehicle device in accordance with the information regarding the usage of the vehicle device.

In view of the foregoing remarks, the Applicant believes that independent claims 1, 5, 9, and 14 are patentable over any combination of Zanchi and Berstis. Claims 3-4, 7-8, 11-13, and 16-17 depend from one of the independent claims and include the limitations thereof. Thus, the Applicant respectfully requests reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. § 103(a).

CONCLUSION

In summary, claims 1, 3-5, 7-9, 11-14, and 16-17 meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested.

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If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,

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